

Application No. 10/509,916  
Amendment Dated July 26, 2006  
Reply to Office Action of May 2, 2006

### **REMARKS**

The Office Action mailed May 2, 2006, has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing claim amendments and the remarks that follow.

#### **Claim Rejections Under 35 U.S.C. §112**

Claims 2 and 4-5 have been rejected under 35 U.S.C. §112, second paragraph. By the present Amendment, claims 2 and 4-5 are cancelled, thereby rendering the rejections moot. Claims 7-24 are added and are believed to comply with the requirements of §112.

#### **Double Patenting**

The Examiner indicates that claims 3-5 would be objected to under 37 C.F.R. §1.75 as being a substantial duplicate thereof. Applicant notes that the rejection is not entirely clear as to which claims are "substantial duplicates". Claim 3 is independent and claims 4-5 depend from claim 3.

Irregardless, by the present Amendment, claims 3-5 are cancelled, thus rendering the indication of double patenting moot.

#### **Claim Rejections Under 35 U.S.C. §102 and §103**

Claims 1 and 3 have been rejected under 35 U.S.C. §102(e) as being anticipated by Avril U.S. Patent No. 6,979,813. Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Avril '813 in view of Ozaki et al U.S. Patent No. 6,239,833. Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Avril '813 in view of Zeng et al U.S. Patent No. 6,897,783. Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Avril '813 in view of Moody U.S. Patent No. 5,115,223.

By the present Amendment, claims 1-6 are cancelled and replaced with new claims 7-24. Claims 7-24 are believed allowable over the cited prior art for at least the following reasons.

Claim 7

Claim 7 is added and recites a device for identifying the location of a person in a working area for a machine and for preventing injury to the person. Briefly, the device includes a plurality of stationary transponders that are spaced apart over a working area, a transceiver coupled to a person and arranged to activate one or more of the plurality of stationary transponders when the transceiver is located a predetermined distance from the transponders, and a receiver/transmitter arranged to receive an identifiable, location-specific signal from each activated transponder, via the transceiver, and to transmit the identifiable, location-specific signal to a controller for the machine. When the controller receives an identifiable, location-specific signal indicating the location of a person in the area of the transponders, the controller stops the machine, thus preventing injury to the person if the person is in the working area of the machine.

The primary reference cited by the Examiner is Avril '813, which relates to a safety shut-off device for a manually fed processing machine. It is true that Avril '813 teaches a pair of sensors 38, 46 and a transponder carried in or on the gloves of a worker so as to emit a unique property to be received by the sensors when the glove is located in a pinch point (P) zone 30. See column 5, lines 1-4. The sensors may be mounted remotely from the machine. See column 5, lines 5-15.

However, Avril '813 fails to teach or suggest transponders arranged to emit an identifiable, location-specific signal when activated. Avril '813 also fails to teach or suggest a receiver/transmitter that receives identifiable, location-specific signals from activated transponders via a transceiver. Further, Avril '813 fails to teach or suggest a device that provides identification of the location of a person in the area of the transponders based upon received identifiable, location-specific signals. In contrast, Avril '813 is merely arranged to detect a unique property exhibited by a worker in a monitored direction. It is possible that the machine shown in Fig. 1 of Avril '813 will cease to work even when the worker's hand is located away from the shear 16, but still in

the direction of the sensors. Avril '813 does not provide a device that is capable of identifying the location of the person.

Ozaki et al '833 utilizes cameras and does not teach or suggest the use of stationary transponders, a transceiver, or a receiver/transmitter that utilize identifiable, location-specific signals to identify the location of a person located in the area of the transponders.

Similarly, Zeng et al '783 fails to teach or suggest the above-discussed device utilizing a plurality of stationary transponders, transceiver, and receiver/transmitter that utilize the identifiable, location-specific signal to identify the location of a person in the working area. In contrast, Zeng et al '783 teaches a device (T/R) attached to a person which causes the disconnection of an electrical system. Zeng et al '783 does not mention transponders or the remaining claimed elements.

In view of the comments provided above, claim 7 is believed allowable over the cited references.

#### Claims 8-18

Claims 8-18 depend directly or indirectly from claim 7 and are thus believed allowable for the reasons stated above, as well as the subject matter recited therein.

For example, the cited references do not teach a plurality of stationary transponders spaced apart along a floor area near the machine, per claim 8.

The art does not teach or suggest transponders comprising a signal code that is reprogrammable by means of a signal from the receiver/transmitter.

The art does not teach a transceiver that is inductively charged.

The art does not teach a display arranged to display the identified location of the person.

#### Claim 19

Claim 19 recites a method for identifying the location of a person in a working area for a machine and for preventing injury to the person. In accordance with the comments provided above regarding claim 7, the method steps provided in claim 19 are

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neither taught nor suggested in the cited references. None of the cited references teach or suggest the provision of a plurality of stationary transponders, a transceiver, and a receiver/transmitter arranged to utilize identifiable, location-specific signals from one or more activated transponders to identify the location of a person in a working area and thus stop a machine if the person is located within a defined working area. As such, claim 19 is believed allowable over the cited art.

Claim 20

Claim 20 depends from claim 19 and is thus believed allowable for the reasons stated above, as well as the detailed subject matter recited therein.

Claim 21

Claim 21 is added and recites a device to prevent that a person located within at least one machine's working area is subjected to an injury from the at least one machine. The device recites the aforementioned transponders, transceiver, and receiver/transmitter that utilize an identifiable signal. The main receiver/transmitter is designed to receive the identifiable signal from the activated transponders through the at least one transceiver and to refer each activated transponder to its individual position. As noted above, the cited art fails to teach or suggest a transceiver that sends an identifiable signal which, when received by a receiver/transmitter can be utilized to refer each activated transponder to its individual position.

In view of this distinction and the comments provided above, claim 21 is believed allowable over the cited references.

Claims 22-24

Claims 22-24 depend from claim 21 and are thus believed allowable for the reasons stated above, as well as the detailed subject recited therein.

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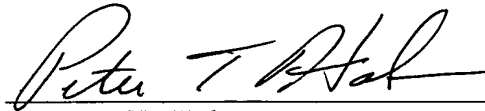
Conclusion

The present Application is thus believed in condition for allowance with claims 7-24. Such action is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By



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Peter T. Holsen  
Reg. No. 54,180

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590  
Facsimile: (414) 271-5770